

Overview
Study of Mandatory Environmental Review Threshold Levels
Minnesota Environmental Quality Board
December 2004

Schedule for consideration of revisions and changes by EQB

- October: Introduced potential technical or housekeeping changes
- November: Introduced potential changes in mandatory EAW category thresholds
- December: Staff recommendations on the issues covered in October and November; discussions with the Board on other major process changes that should be studied and considered in the future
- January 2005 and Beyond: Continued public outreach and implementation of recommendations

Purpose and Scope of Study

- Purpose: To determine if the Environmental Review Program is meeting its environmental and natural resource goals, and doing so in a way that reasonably balances administrative burden and public benefit
- Scope: Focus is on the program's mandatory categories for environmental review, including the mandatory threshold levels in each category. Related process and technical changes may be considered after threshold and category choices become clear.

Focusing Review

- Initial study effort gathered information on the Environmental Review program over last four years

Of the 570 Environmental Assessment Worksheets completed during that period (about 140 per year), 20 percent of the categories were responsible for 75 percent of EAWs, while 33 percent of the categories were responsible for 90 percent of EAWs

- The Board decided to focus its efforts on five "high traffic" categories

Examination of petitions (1999-2003)

- Breakdown of the 203 petitions received by Responsible Governmental Units:
 - Residential – 35 percent
 - Feedlots – 17 percent
 - Commercial/industrial – 11 percent
 - Nonmetallic mineral mining – 9 percent
 - Highways/roads – 5 percent
 - All other categories – less than 25 percent

Framework for Information Gathering

- Local government as RGU
 - Residential
 - Commercial, industrial
 - Non-metallic mineral mining
 - Others raised by those surveyed
- State government as RGU
 - Air pollution

- Wastewater treatment
- Feedlots
- Highway projects
- Wetlands and lake development

Surveying Stakeholder Groups

- **Survey of Local Government**
 - 190 local government contacts identified from last four years of Environmental Review activity
 - Achieved 33 percent survey return rate
 - Results covered eight different mandatory categories
- **Surveys of Petitioners**
 - Chosen to represent the “public” – those seen as active in the process
 - The petition process is seen as a “safety valve” for projects not covered under a mandatory category
 - 45 surveys sent out, with over 50 percent return rate
- **Information from Project Proposers**
 - Utilized a variety of approaches to gather information from this group
 - Focused on aggregate industry, builders and municipal wastewater treatment representatives

State Agencies as RGU

- Met with staff from RGU agencies about their environmental review activities
- Focused on basic points:
 - How they perceive benefits of the process to the public, proposers, regulators and others
 - How the EAW process supplements or overlaps with other regulatory processes
 - How they see the overall benefit of the process compared to its overall burden
 - Suggestions for changes and improvements in the EAW system, including the mandatory threshold categories and levels

Stakeholder Group Meetings

- Over last 11 months, averaged a meeting every 2 months
- Stakeholder interest directed to specific categories

Study Observations

- No generalizations could be reached on how reasonable the mandatory thresholds are across all categories, except to note that there is little significant displeasure with the present threshold levels
- Each category is unique, with its own set of costs & benefits, and stakeholders
- It is appropriate to highlight the general benefits of EAWs and the EAW process

Public Benefits of Environmental Review

- Documents pull everything together in one place in an easy-to-understand format
- Review informs citizens on what comes next in the process
- The process provides citizens opportunities to ask questions or express concerns about a project
- Citizens become more effectively involved by getting better informed about a project

Benefits of Environmental Review for Project Proposers

- Provides comprehensive and credible responses to comments and concerns of public, etc.
- Encourages and facilitates accountability
- Helps to demonstrate that the proposer has addressed appropriate environmental impacts and requirements

Benefits of Environmental Review for the RGU

- Provides a comprehensive and organized means of addressing issues that are not covered specifically in permits: odors, noise, wildlife habitat, traffic, archeological findings and growth
- Project-related discussions and comments may lead to project adjustment before revisions become overly expensive or burdensome
- Can facilitate and focus discussions between RGU staff and decision makers, and between the RGU and other units of government

Summary of Possible Threshold Changes

- Lowering threshold for one category – nonmetallic mineral mining
- Modifying two categories to provide for alternative approaches – historical places and feedlots
- Raising threshold for two categories – wastewater treatment and air pollution
- Adding a new mandatory category – lakeshore development